

Application No. 10/644,537
Docket No. 9345
Amdt. dated July 3, 2007
Reply to Office Action mailed on April 6, 2007
Customer No. 27752

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REMARKS

Claims Status

Claims 1-26 and 28-31 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §101

The office action states that claims 1-26, 28-31 are rejected under 35 USC §101 because the invention is inoperative and therefore lacks utility. The office action states that the Applicant claims that the article is an inflatable bladder that comprises a substrate, wherein the substrate can be, for example, liquid permeable as stated in claim 5. The office action states Examiner cannot envision an inflatable article which is permeable liquid. The Examiner states that an inflatable article must have impermeable sheets so that it can be inflated. The office action also states that it is unknown how an inflatable article could have a cleansing solution therein which is able to exit the inflatable bladder in order to provide cleansing effect.

The applicants respectfully traverse the rejection.

Claim 1 is directed to a self-inflating article that comprises an inflatable bladder that comprises a substrate, at least one rupturable reservoir associated with the inflatable bladder, and a cleansing composition. Claim 1 does not limit the substrate to be permeable or impermeable. Thus, even assuming the Examiner's logic is sound, *arguendo*, the scope of claim 1 does include impermeable substrates. Embodiments which comprise impermeable substrates are demonstrated in Examples 1-8. However, it is suggested that one could have an operable embodiment with an inflatable bladder having a permeable membrane. For example, the rate production of gas within the inflatable bladder could exceed the rate of escape of gas from the bladder causing the bladder to become inflated for a period of time. As exemplified in the specification in Example 9, a bladder can be formed which is nearly impermeable, but actually has a low measurable permeability, which is defined and exemplified in the application. In the case, the article is still operable because although the article comprises a bladder having a low level of permeability, the rate of gas generation upon rupturing the contained reservoir is sufficiently high that the bladder fills and the article inflates for a useful amount of time.

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This embodiment of a self-inflating article can take several minutes to deflate, during which time the article is useful. Embodiments of self-inflating articles that comprise impermeable substrates are important because, an article that is inflatable for its period of intended use, but then deflates for disposal, is a desirable article for consumers. The inventors also found that it may be desirable to have contents such as surfactant located in the interior of the permeable (NOT impermeable) article, in which case they can be metered out by the low level of permeability of the bladder. Because the scope of claim 1 includes operable embodiments even using the Examiner's logic, the Applicants respectfully suggest that the claimed invention possesses utility to meet the provisions of 35 USC §101. Thus, the Applicants respectfully suggest withdrawal of the rejection.

Rejection under 35 USC §102 Over U.S. Patent 5,084,559 by Rivera, et al (hereinafter referred to as "Rivera")

The office action states that claims 1-17, 17-26 and 28-31 are rejected under 35 USC §102 as being anticipated by Rivera. The office action states that Rivera shows an impermeable, rupturable sack containing a cleansing composition.

The Applicants respectfully traverse the rejection.

Rivera does not disclose each and every limitation of the claims of the present invention therefore; Rivera does not anticipate the claims of the present invention. Under § 102, anticipation requires that all the claim elements appear in a single prior art document. "A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference" MPEP § 2131 citing *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2D 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim" MPEP § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2D 1913, 1920 (Fed. Cir. 1989). Rivera contains a rupturable reservoir containing a cleaning fluid. However, Rivera does not comprise an inflatable bladder. Because Rivera does not disclose each and every element of the present application, it cannot as a matter of law anticipate the claims of the present application. Therefore, the Applicants respectfully request withdrawal of the rejection on this basis.

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Rejection under 35 USC §103(a) Over Rivera in view of U.S. Patent Pub. No.
2003/0064042 by Berquist (hereinafter referred to as "Berquist")

Claims 8-16 are rejected as being unpatentable over Rivera in view of Berquist. The office action states that Rivera shows all of the claimed embodiments except for the effervescent material. The office action states that and Berquist exemplifies that the use of effervescent materials is well known in the art. The office actions state that it would be obvious to one of ordinary skill in the art to apply the Berquist effervescent material to the Rivera device in order to improve the cleaning efficiency.

The Applicants respectfully traverse the rejection.

Rivera in view of Berquist does not teach or suggest all of the claim limitations and, therefore, does not establish a *prima facie* case of obviousness (*See* MPEP 2143.03). Specifically, Rivera in view of Berquist does not teach or suggest an inflatable bladder. Use of any type of gas generating compounds found in Berquist in the article of Rivera would not result in an inflatable article, because of the lack of a bladder in either Rivera or Berquist. Rivera does have a rupturable pouch containing a cleaning fluid. However, Rivera would have to make substantial modifications, even in view of Berquist, simply to cause an effervescent reaction. Rivera would have to include a fluid inside the pouch comprising component A, and a solid material outside the pouch but located nearby containing component B, such that rupturing the pouch would cause A + B to interact and effervesce. There is no means provided in Rivera to fabricate this scenario, nor to control fluid A so that it would not simply disperse throughout the pad, but would go to the location of component B in order to interact. This extraordinary complexity is not resolved by Rivera, and even if it were, the effervescent gases of Berquist would merely escape because of the aforementioned missing bladder. Therefore, the Applicants respectfully request withdrawal of the rejection on this basis.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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